

REMARKS

Applicants have carefully reviewed and considered the current Office Action and the reference(s) cited therein. No claims are herein amended; no claims are herein canceled; and no claims are herein added. As a result, Claims 1-20 are now pending in this application.

Applicants thank the Examiner for the courtesy of a telephone interview on June 15, 2006. The Examiner and the undersigned discussed the Applicants' contention that the service-specific information of the present invention is significantly different than the channel-specific information of the cited art.

Rejection of Claims 1-20 under 35 U.S.C. §103

The Examiner has rejected Claims 1-3, 5, 8, 10-11, and 13-20 under 35 U.S.C. §103(a) as being unpatentable over Applicants' Admitted Prior Art ("AAPA") in view of U.S. Patent No. 6,594,047 issued to Ballintine et al ("Ballintine") and U.S. Patent No. 6,366,563 issued to Weldon et al ("Weldon"). The Examiner has also rejected Claims 4, 6, and 7 as being unpatentable over AAPA in view of Ballintine and Weldon, and further in view of U.S. Patent No. 5,768,255 issued to Brownmiller et al; Claim 9 as being unpatentable over AAPA in view of Ballintine and Weldon, and further in view of U.S. Patent No. 6,731,648 issued to Cotter; and Claim 12 as being obvious over AAPA in view of Ballintine and Weldon and further in view of U.S. Patent No. 5,768,530 issued to Galway et al. Applicants respectfully traverse these rejections.

Applicants contend that the Examiner is misstating the teachings of Ballintine. The Examiner asserts that Ballintine teaches the transmission of service performance report messages having information related to a performance of the service as determined by the service termination point. In support of this assertion, the Examiner indicates that Ballintine teaches sending a "forward defect indicator message" to inform a downstream channel where an optical channel is defective.

Applicants contend that Ballintine does not teach or suggest the present invention because Ballintine does not address service-specific information at all. Instead, the information addressed in Ballintine is better characterized as channel-specific or equipment-specific information. In this regard, Ballintine repeatedly refers to optical channel ("OCh") overhead

(“OH”) information. The Och-OH information is inserted as a message in the Optical Supervisory Channel (“OSC”) and relates to information obtained by performance monitoring, administration, maintenance, etc. for the individual ones of one or more optical channels. That is, the information in Ballintine pertains to a channel not the services that use the channel. For example, the Forward Defect Indicator (“FDI”) referred to in Ballintine “is a message generated by an OCH processing unit that is used to inform downstream equipment that an OCh is defective.” Column 2, lines 58-60. However, multiple services may use a given OCh. Providing information that an OCh is defective does not provide information about the individual services that may utilize the OCh. Perhaps not all services are affected equally because of the defective channel. One service may be impacted significantly while another service may not be impacted at all. Thus, the FDI example taught in Ballintine does not convey any service-specific information. In this manner, the information in Ballintine relates only to optical channels themselves and not to the individual services that use the optical channels. In this regard, Applicants would like to point out that paragraph 4 of the present specification addresses the difference between OAM capabilities for managing the performance of a transport facility and the capabilities provided by the service-specific information in accordance with the present invention.

CONCLUSION

Ballintine does not teach “service performance report messages having information related to a performance of the service” as asserted by the Examiner. Accordingly, Applicants respectfully request the rejections based on this characterization of the teachings in Ballintine be withdrawn. Applicants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. If the Examiner believes that a telephone conversation with the Applicants’ representative would facilitate prosecution of this application in any way, the Examiner is cordially invited to telephone the undersigned at (508) 303-2003. If necessary, please apply any additional fees, or credit overpayments, to Deposit Account 50-2295.

Respectfully submitted,

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